

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAIME GARCIA TRUJILLO,

Plaintiff,

v.

TONY AVIS HAY SERVICE, et al.,

Defendants.

No. 2:21-cv-1446-MCE-KJN

ORDER


(ECF No. 21.)

On November 15, 2022, the court held a hearing on plaintiff's motion to compel discovery from Defendant Joe Avis Farms, LLC. (ECF Nos. 21.) For the reasons discussed at the hearing, it is HEREBY ORDERED that:

1. Plaintiff's motion to compel (ECF No. 21) is GRANTED IN PART;
2. Joe Avis Farms shall produce a legible copy of the previously produced timecard at BATES00002 and BATES00051;
3. Regarding the discovery on the PAGA claims, Joe Avis Farms shall produce (a) all documents responsive to plaintiff's Request for Production of Documents, Set One, Nos. 5-8., for the period of January 1, 2021, to the present; and (b) a list of employees for the June 8, 2020-January 1, 2021 period; plaintiff's motion to compel all records for Nos. 5-8 from June 8, 2020 - January 1, 2021 is denied without prejudice on proportionality grounds;

4. Regarding discovery on plaintiff's joint-employer and single-employer claims, Joe Avis Farms shall produce responses to Request for Production of Documents, Set One, Nos. 26, 28-29, 32, and Request for Production of Documents, Set Two, No. 35. The timeframe is limited to documents regarding the 2020-2021 employment period (whether generated at that time or later). At the hearing, the parties agreed that the subject matter of responsive documents is limited to issues concerning the operation of Tony Avis Hay Service and Joe Avis Farms, as between Joe Avis, Tony Avis, and Maria Avis. To the extent plaintiff seeks responsive documents outside of this time period and beyond this scope, that request is denied without prejudice on proportionality grounds;
5. With each of these discovery responses, defendant shall state whether a reasonable inquiry was made to find responsive documents, and if no responsive documents or tangible things exist, defendant shall so state with sufficient specificity to allow plaintiff and the court to determine whether defendant made a reasonable inquiry and exercised due diligence; and
6. Joe Avis Farms shall produce all responsive documents by the close of business on Wednesday, December 7, 2022.

Dated: November 16, 2022


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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